

13003. Adulteration of Brazil nuts. U. S. v. 438 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 19111. I. S. No. 13174-v. S. No. E-4999.)

On November 6, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 438 bags of Brazil nuts, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by B. Levy & Co., from Manaos, Brazil, March 14, 1924, to Brooklyn, N. Y., and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 1, 1924, Paul Bertuch & Co., New York, N. Y., claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,800, in conformity with section 10 of the act, conditioned in part that it be reconditioned, and the bad portion destroyed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13004. Adulteration and misbranding of tankage. U. S. v. 5 Sacks of Garbage Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17234. I. S. No. 10444-v. S. No. C-3876.)

On January 16, 1923, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 100-pound sacks of garbage tankage, at Kansas City, Kans., alleging that the article had been shipped by the Kornfalfa Feed Milling Co., Kansas City, Mo., on or about December 29, 1922, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Garbage Tankage."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable and animal matter. Adulteration was alleged for the further reason that the article contained added poisonous and deleterious ingredients, which rendered it totally unfit for the purpose for which it was intended.

Misbranding was alleged for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the sacks containing the said article, and for the further reason that the label on the said sacks was calculated to deceive and mislead the purchaser to believe that he was purchasing tankage, when, in truth and in fact, the product was not tankage but was a foreign product purporting to be tankage.

On January 19, 1925, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13005. Misbranding of flavoring extract. U. S. v. 46 Bottles of Golden Glow Flavoring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19173. I. S. No. 15559-v. S. No. E-5010.)

On November 17, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 bottles of Golden Glow flavoring, at Erie, Pa., alleging that the article had been shipped by Arthur L. Leech Co., from Kennebunk, Me., on or about October 22, 1924, and transported from the State of Maine into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Leech's Golden Glow Products * * * Golden Glow Flavoring Containing The Pure Crystalized Principal Aromatic Constituent of the Vanilla Bean * * * Manufactured and Guaranteed by The Arthur L. Leech Co. * * * Kennebunk, Maine."

Misbranding of the article was alleged in the libel for the reason that it was an imitation of another article.

On January 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13006. Adulteration of chestnuts. U. S. v. 6 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19211. I. S. No. 15563-v. S. No. E-5033.)

On December 2, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of chestnuts, at Pittsburgh, Pa., alleging that the article had been shipped by Scaramelli Co., from New York, N. Y., on or about October 29, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13007. Adulteration and misbranding of Concord grape soda water flavor. U. S. v. 35 Gallons of Superb Brand True Concord Grape Soda Water Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18813. I. S. No. 17758-v. S. No. C-4429.)

On July 1, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 gallons of Superb brand true Concord grape soda water flavor, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Hurty, Peck & Co., from Indianapolis, Ind., June 13, 1924, and transported from the State of Indiana into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Label on keg) "Superb Brand True Concord Grape Soda Water Flavor * * * Contains No Artificial Flavor Hurty-Peck & Co. * * * Indianapolis, Indiana."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored imitation product had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and in that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "True Concord Grape Soda Water Flavor—Contains No Artificial Flavor" was false and misleading and deceived and misled the purchaser, and in that it was an imitation of and offered for sale under the distinctive name of another article.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13008. Adulteration and misbranding of cottonseed meal. U. S. v. the Buckeye Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 17796. I. S. Nos. 3182-v, 3189-v, 3406-v.)

On April 15, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Macon, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 29 and October 25, 1922, and January 9, 1923, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Buckeye Good Cottonseed Meal Manufac-